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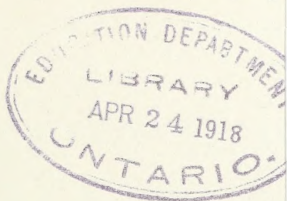
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DEPARTMENT OF THE INTERIOR
BUREAU OF EDUCATION

BULLETIN, 1916, NO. 45

KINDERGARTEN LEGISLATION

BY

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LETTER OF TRANSMITTAL.

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, April 19, 1916.

SIR: The manuscript transmitted herewith gives in brief form a summary of legislation in regard to the establishment and maintenance of kindergartens in the several States and suggestions for obtaining new legislation on this subject. This information and these suggestions should be helpful to a large number of persons interested in the extension of the kindergarten as a part of the system of public education in the States. I therefore recommend that it be published as a bulletin of the Bureau of Education.

Respectfully submitted.

P. P. CLAXTON,
Commissioner.

THE SECRETARY OF THE INTERIOR.

INTRODUCTION.

According to a recent estimate, out of more than four millions of children between 4 and 6 years of age, less than half a million are enrolled in kindergartens. This condition may be attributed in general to a lack of knowledge of the practical, ethical, and social value of kindergarten education: to the expense of installing a system whose advantages are not always obvious to the minds of school authorities; and to a need for better kindergarten legal enactments in practically every State in the Union.

Parents and school administrators can be reached by means of patient, intelligent propaganda, and can be aroused to the point of urging the establishment of public kindergartens. Such work is now in progress and is securing good results. But hand in hand with the stirring of public sentiment there must go measures to facilitate the response to the demands. This means that the laws which pertain to kindergartens must be something more than unrestrictive; they must be positively helpful and progressive, in order that classes may be maintained in increasing numbers, that generous support may be given from school funds, and that high standards may be assured.

In the following pages it is proposed to show to what degree legislation in the various States fulfills its functions of facilitating the establishment of kindergartens and maintaining satisfactory standards.

Brief digests of the laws, including legislation through 1915, are given in an appended table, together with the number of kindergartens maintained in each State in 1915.

As a help to those who are especially interested in legislation, some of the various aspects of the practical work which a legislative campaign involves are outlined, and a copy of a successful law is presented as a model for study and possible adaptation.

KINDERGARTEN LEGISLATION.

I. STATUS.

HISTORICAL STATEMENT.

The diversity in the laws that have been enacted for the kindergarten in the various States can not easily be explained except by a consideration of kindergarten legislation from the beginning.

Practically all the State school laws had been drafted before the kindergarten was legally adopted in America; and since the minimum school age had, in the majority of the States, been fixed at 6 years or thereabouts, it was not possible legally to provide kindergarten training for children of 4 and 5 out of the regular school funds. Massachusetts and Rhode Island, however, had placed no age restrictions upon entrance into the public schools; therefore it was possible in those States for children of kindergarten age to be educated at public expense. In a few of the States the minimum school age was fixed at 5 years; thus, if the law did not expressly forbid the substitution of kindergarten for the customary first-grade work, this instruction could be provided without special legislative enactment.

In 1886 Connecticut and Vermont passed the first legislation giving school authorities permission to open kindergartens. At that time there were in the country 417 kindergartens, of which 118 were connected with public-school systems.

During the next few years one State after another adopted some form of "permissive" legislation, but in several instances the restrictions imposed were of such a nature that the communities affected were unable to avail themselves of the permission. Nevertheless, the kindergarten continued to make numerical gains, and in 1900 the reports showed that out of 4,800 kindergarten classes in the various States approximately 1,800 were in public schools.

Practically all the kindergarten laws that have been placed on the statute books up to the present time are variations of the original permissive law. Moreover, there are still 15 States, besides the District of Columbia, which have no special legal provisions for the kindergarten. Yet the 1,800 public-school kindergartens existing in 1900 grew to nearly 8,000 in 1915.

THE CALIFORNIA "MANDATORY-ON-PETITION" LAW.

What a good kindergarten law will accomplish has been brought forcibly to public attention by the fruits of the legislation adopted by California in 1913.¹

The unique advantage of the California enactment lies in the fact that, on petition of the members of the public directly concerned—the parents or guardians of 25 or more children of kindergarten age living within 1 mile of an elementary school—the establishment of kindergartens on the part of local school boards becomes obligatory. Thus, if there exists the demand, the way is definitely marked out for complying with it, and in as direct and informal a manner as possible. County superintendents have final say in the matter, however, as they may approve or disapprove estimates submitted by local boards of education for the establishment of kindergartens. One other restriction is imposed, namely, that after the first year in which kindergartens are established in any locality their number shall be controlled by the school authorities.²

Evidence of popular appreciation of the value of the kindergarten was emphatic when the people realized the opportunity the new law gave them. In 1912 Federal statistics, under date of June 30, credited California with 149 kindergartens, having an enrollment of 10,910 children, in 20 cities and towns. The following year the mandatory law was passed, and in 1914 the number of kindergartens had increased to 197, of kindergarten children to 14,623, and of cities and towns to 25. In 1915 California reported to the Bureau of Education 316 public-school kindergartens, with 17,697 children enrolled, in 45 communities. Later information received from the State indicates that 86 new kindergartens were established in the fall of 1915, with an enrollment of approximately 4,000.

The law made this rapid growth possible, but it should be explained that it was not until its favorable provisions had been brought to the attention of the people through systematic effort that the number of kindergartens began to increase rapidly. For a year after the passage of the act, during which time nothing of this nature was undertaken, there was very little change in the number of kindergartens. In 1914 a special collaborator of the United States Bureau of Education, who was also a field secretary of the National Kindergarten Association, began cooperating with parents and school officials to bring about the establishment of classes in the way the new law permitted, with the result that the number of children receiving kindergarten training in California has more than doubled during the three years since this extension work was undertaken.

¹ See Appendix, p. 29, for the California law.

² This restriction was imposed by an amending act passed in 1915.

Through this means it has also been possible to observe at first hand the practical workings of the law and to study especially the features which have contributed to its remarkable success.

The important question of maintenance has been taken care of by requiring a special tax to be levied in each district in which a petition for a kindergarten is presented.

Keeping in mind the fact that the ultimate aim in regard to legislative work is to make the kindergarten as nearly as possible a regular part of the public-school system, it would seem desirable that it should be supported in the same way that graded classes are provided for—out of regular school funds, supplied by the State and supplemented by district tax. But as these are in most instances appropriated in advance for regular school purposes, there would always be an uncertainty about funds for kindergarten classes petitioned for, and the mandatory provision of a law such as California has would be rendered null and void in some instances if arrangements were not definitely made in regard to this matter.

This was in fact exactly what happened in California. Although its law, as originally passed, took up the question of maintenance, it did not define the rate of taxation, and therefore, because of shortage of funds, it was not possible to establish all the kindergartens petitioned for. This was finally adjusted by an amendment, which fixed the amount of the tax at 10 cents on the \$100 of taxable property. The money derived from the tax is designated as the "kindergarten fund" of the district in which it is collected and for which it must be used.

In this way the decision as to whether or not a community shall have the kindergarten rests more nearly in the hands of the beneficiaries, and the establishment of kindergartens becomes automatically controlled in proportion to the recognition of their values, as evinced by the willingness of the public to pay for them.

It will be noted that the California law provides that the county superintendent may approve or disapprove the estimate submitted by local school boards for the maintenance of kindergartens.

AN EXTREME NEED FOR LEGISLATION.

Arkansas illustrates in a striking way the demand for free kindergartens and the need for legislation to meet it. Although there is no section of the State school law giving local boards authority to maintain kindergartens, and the minimum school age is fixed at 6 years, so that no State or county money may be used for the education of children of regular kindergarten age, nevertheless three Arkansas cities reported to the United States Bureau of Education in 1915 that they had public-school kindergartens. There were five

kindergarten classes in 1915, as compared with one in 1912. An interesting fact about the Arkansas public kindergartens is their high average of daily attendance. In 1912 it was 55 of the total of 62 boys and girls, and in 1915 it was 290 out of 330. Almost as high a percentage of attendance was reported for kindergartens "other than public": in 1915 this was 203 out of a total enrollment of 332 children.

ESTABLISHMENT PARTIALLY MANDATORY.

Between the extremes presented by California and Arkansas there are several forms of legislation bearing on the kindergarten. Utah and North Dakota have laws which might be called partially mandatory. The arrangement in Utah is peculiar, the original permissive legislation of 1894, which applied, and still applies, to all school districts, having been supplemented in 1903 by an act requiring school boards to establish a kindergarten in any district having a population of 2,000 or more. The cost of establishing such classes was to come out of the school funds of each district, and four years were allowed local authorities in which to comply with this mandatory provision.

In conformity with this law Utah should have had a kindergarten in each district of the requisite size before 1907. The Utah plan sounds as if it might have been very effective, but the people did not insist that the school authorities do their duty in the matter, and so failed to reap the advantages of the law while it was operative. Though the last census showed 21 towns and cities (to say nothing of school districts) in Utah with the required 2,000 people, the 1915 returns to the United States Bureau of Education credit only 6 districts with public school kindergartens. These 6 districts have 45 kindergartens among them, and 1,953 boys and girls enrolled, with but 36 kindergartners. Each teacher therefore has an average of 54 children under her care. This overcrowding makes it sufficiently evident that the parents of Utah are eager for kindergarten training for their children if they can get it; and it is equally evident that more effective provision will have to be made to meet the need.

North Dakota adopted its partially mandatory plan in 1915, and there has not been time to see how it will work out. It provides that kindergartens shall be opened in places of 5,000 or more inhabitants if one-fifth of the voters petition for them, and in places of less population than 5,000 if a majority of the voters petition. Funds for the purpose are to be secured by district taxation. Before the new kindergarten law was enacted, and while a permissive law was in effect, North Dakota had seven public school kindergartens, divided among five communities.

ESTABLISHMENT PERMISSIVE ON PETITION.

In promoting the legislation which was enacted in Nevada in 1915, it was first attempted to make the establishment of kindergartens in every school district obligatory on petition, but the obligatory clause was altered in committee, and in its final form, as passed, the act provides that kindergartens *may*, not *must* be established when they are petitioned for. If a district has sufficient school funds, these may be used for whatever classes the school authorities decide to establish; otherwise, support must be provided by special tax, not to exceed 25 cents on \$100.

It will be interesting to watch how successfully this modification of the California law works out in a State with a comparatively small and scattered population. Under the permissive law, three Nevada communities maintained five kindergartens for 228 children in 1914. By a special enactment in 1911 the maintenance of kindergartens was made compulsory upon the local board in a single school district of the State.

Florida permits a kindergarten in any community that will guarantee 25 pupils. This is similar to a petition law, in that it allows parents to have a direct say in the matter.

ESTABLISHMENT PERMISSIVE.

There are various types of so-called "permissive" laws now operative. The majority of the 32 States which have them allow kindergartens to be maintained in all school districts by authority and management of school officials, and most of these are supported out of regular school funds, as shown by the following:

Support of kindergartens in States having permissive laws.

Regular school funds: Illinois, Iowa, Kansas, Michigan, Montana, New Jersey, Ohio, South Carolina, Utah, Washington.

Presumably regular school funds, although no provision specially made in kindergarten law: Connecticut, Delaware, Florida, Kentucky, Louisiana, Massachusetts, Minnesota, New York, Oklahoma, Oregon, Vermont, West Virginia.

Regular school funds or additional tax: Indiana, Nevada, Pennsylvania.

Special school funds: Colorado, Idaho, Missouri, Wisconsin.

Additional tax for kindergartens: Arizona, Wyoming.

That a large proportion of the States support kindergartens out of regular school funds is not surprising, since a permissive law leaves the decision with school authorities, and if they include kindergartens in their school systems, it is also their prerogative to use regular school funds for their support.

Kentucky permits kindergartens in cities of the first and second class, and seven cities maintain 57 kindergartens for 2,943 children under this law. Washington has a similar law; so has Oregon,

which, however, requires that the qualified voters of the district shall pass on the matter. Washington has 27 public kindergartens, and Oregon only 1.

Indiana permits kindergartens in the common schools of incorporated cities and towns. These are supported by regular school funds. In cities of over 6,000 population, kindergartens may also be established in connection with incorporated kindergarten associations, and for their support a special fund must be collected in the city in which the association is located. In cities of 100,000, kindergartens may be established in connection with associations, provided 12 free classes are maintained by such associations. There are 184 kindergartens in 26 cities of Indiana, attended by 7,840 children.

In order that the children of Missouri may receive kindergarten training, there must be sufficient school money in excess of that used for the education of children of regular school age. Almost three-fourths of the kindergartens of Missouri are in St. Louis, the remainder being divided among seven other cities. Nearly 20,000 children are enrolled.

South Carolina excepts 11 of its 41 counties from the privilege of its "permissive" kindergarten law. There are only two public kindergartens in this State. Oklahoma permits kindergartens in cities or districts of 2,500 or more population, and 3 such places reported 50 kindergartens, with 1,341 children in 1915.

A population of 1,000 in a city or town allows a West Virginia school board to open a kindergarten, and two cities have availed themselves of the opportunity. The classes are crowded, however; together they have 153 children and only two kindergartners. Florida permits a kindergarten in any community that will guarantee 25 pupils. Seven places have 10 kindergartens, with 17 kindergartners for the 535 children.

STATES THAT MAKE NO SPECIAL LEGISLATIVE PROVISION FOR THE KINDERGARTEN.

Fifteen States and the District of Columbia have no special kindergarten laws.¹ A curious inconsistency comes to light in regard to the status of the kindergarten in these States. About a third of them allow children 5 years old to go to school, which permits kindergarten training to be given during one of the two traditional kindergarten years, and to be paid for out of regular school funds. But in the remaining States, which make either 6 or 7 the minimum age for entering school, no kindergarten training can be provided out of regular school funds. All of these States maintain kindergartens, presumably from local funds when necessary.

¹ See Appendix A, Table 2, p. 28.

THE KINDERGARTEN AGE.

Besides insuring the establishment of sufficient classes to meet the demand properly and arranging for their adequate and equable support, a good kindergarten law must fix specific standards of work and qualificative requirements for both pupils and teachers to guarantee genuine efficiency as an educational agency. It is generally accepted that the proper time for a child to have kindergarten training is from his fourth to his sixth year. Sixteen States¹ definitely establish these years as the "kindergarten age" in their law. Missouri, however, excludes children from kindergarten until they are 5. It is only since 1915 that children have been able to enter even at this age, the law previously having prescribed 6 as the age for admission. Under that provision the children either did not attend kindergarten until they were old enough to be leaving it, or, if they entered under the specific age—and many did—the feat was accomplished by evasion of the law.

In Colorado, Idaho, and Montana the kindergarten age is fixed as from 3 to 6. Michigan and New Jersey allow children to stay in kindergarten classes until they are 7, which is commonly considered a year later than the best age for beginning regular school work. Connecticut, Delaware, Oregon, and South Carolina set no maximum age; their laws read simply "four or over"; while the law of Pennsylvania sets no minimum age, reading "less than six." Vermont is in a class by itself, stating the legal kindergarten age to be "under five." Arizona, Florida, Iowa, Massachusetts, and Ohio have kindergarten laws, but none of them defines the kindergarten age.

LEGISLATIVE CONTROL OF THE QUALIFICATIONS OF KINDERGARTNERS.

One of the essential points to be covered by legislation is a definition of the qualifications local school authorities shall require of kindergarten teachers. The importance of this, in order to secure the best educational results, is obvious. The preliminary training demanded of candidates and the conditions governing their entrance into the teaching profession in the various States show even more than other phases of the situation the existing lack of uniformity and of standardization.

Since the kindergarten has become an accepted, if not completely integrated, part of our school system, it is proper to expect the qualifications of kindergartners to be analogous in a general way to those laid down for other publicly employed teachers. Grade teachers are required, almost universally, to have a certificate granted after

¹ California, Illinois, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Nevada, New York, North Dakota, Oklahoma, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

examination formulated by State educational authorities and pursuant to a course of training in a State normal school. In some cases a diploma from a college or university recognized by the State school officials as satisfactory also entitles the holder to a certificate. For many reasons it has not been easy to make the selection of kindergartners conform to rules governing the appointment of other teachers. In the first place, the authorities having charge of such matters have not always been familiar with the peculiar requirements of the kindergarten method of teaching, and therefore have had no knowledge of what standards should be imposed. Conflicting ideas of Froebel's plan and the methods of applying it seem to have obscured realization of the necessity for careful regulation.

The confusion resulting from the underlying causes is evident in the varying regulation of the selection of kindergarten teachers found on the statute books. Of the 25 States which make any positive attempt to control the situation, about one-half¹ unreservedly require certification of kindergarten teachers. Only four (Michigan, South Carolina, Texas,² and Vermont) demand that kindergartners shall have been graduated from training schools officially approved by the State educational authorities. A few others make the requirement in form, but with alternatives that effectually annul its best purpose. Illinois and Michigan stipulate a high-school education or its equivalent. Many States specify an examination, but in these also there are nullifying alternatives.

Attempts are already being made to standardize the requirements for the award of diplomas from training schools, both public and private.³ As this is accomplished, and there is a clearer comprehension of the real place of the kindergarten in the school system of the country and of kindergarten teachers in the profession of pedagogy, undoubtedly there will be stricter supervision of instruction and employment.

Such are the main features of the legislation pertaining to the kindergarten in the different States. It is encouraging to realize that efforts are being made to secure more uniformity and more adequate provisions for the extension of the kindergarten on sure lines in order that it may the sooner take its rightful place as a fundamental part of the American system of education.

¹ California, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nevada, New Jersey, Oregon, Pennsylvania, Vermont, Wisconsin.

² See Appendix A, Table 2, note 6, p. 28.

³ Bulletin, 1916, No. 5, of the Bureau of Education, on "Kindergarten Training Schools," is intended to help school administrators in selecting teachers; it will also serve to indicate to prospective students the institutions where satisfactory training may be secured. This information in available form will, it is believed, influence favorably the standards of all training schools and be a strong incentive to schools that now give inferior instruction to improve their courses.

II. SUGGESTIONS FOR LEGISLATIVE WORK.

The definite step in advance taken in California—the enactment of a law which has resulted in the opening of nearly 250 new kindergartens in less than four years—marks the beginning of legislative reconstruction not only for that State but, it is believed, for many other States.¹

OUTLINE OF KINDERGARTEN BILL.

The following outline, combining the valuable features of the California mandatory law with some of the best provisions contained in other State laws, will be helpful to those interested in extending and bettering the kindergarten through legislation.

1. *Establishment of kindergartens.*—Obligatory on petition of parents or guardians of 25 or more children of kindergarten age all of whom live within the territory served by any one elementary school.

2. *Body having administrative control.*—Regular school authorities.

3. *Financial maintenance.*—Regular school funds available for this purpose; otherwise, a special tax at a fixed rate.

4. *Kindergarten age.*—Four to six years.

5. *Qualifications of kindergarten teachers.*—(1) Completion of high-school course; (2) diploma from training school giving two years' practical and theoretical kindergarten course which is officially approved as satisfactory by State educational authorities; (3) successful examination by proper official body; (4) licensure by official body having charge of the licensing of other public-school teachers.

FACTS ABOUT THE KINDERGARTEN WHICH LEGISLATORS MAY WISH TO KNOW.

1. What the kindergarten is: The kindergarten seeks to guide the natural and abundant activity of children during the years from 4 to 6 in an orderly and well-rounded manner. In the kindergarten children learn with eagerness to observe understandingly, to work because they love work, to use their hands deftly, to be considerate of others, and to have the best thoughts and feelings. Thus, at a most important habit-forming age, through the natural, happy ways of play, they are given a right start on their sometimes-difficult journey. The kindergarten may mean all the difference between their becoming good or bad citizens later in their lives, and, in any case, it makes for a much higher expression of their innate beauty and strength than do the narrow homes and broad streets from which

¹ A circular prepared and distributed by the National Kindergarten Association contains suggestions for procedure in this work that have been found helpful.

many of them come. The kindergarten is not a day nursery, but a most vital part of the elementary school system.

2. Kindergartens are most efficiently organized with an enrollment of 50 children, a head kindergartner and an assistant kindergartner.

3. Approximate cost, per child, of equipping kindergarten, \$5.

4. Approximate cost, per child, of maintaining kindergarten: This would depend upon the amount paid for teachers' salaries (see 5), plus the cost of temporary materials, which averages \$1 a year per child.

5. Salary of kindergarten teacher: If a kindergartner is as well equipped for her work as she should be—and this means that she must have had a good general education and two years' special training—she should receive at least the minimum salary of a grade teacher. Her hours of service should be the same. In addition to teaching in class for three hours in the morning, her duties comprise preparing materials, conducting mothers' meetings, and making visits to the children's homes during the afternoon. The afternoon duties of the kindergarten teacher are considered as essential a part of the kindergarten program as her class work. If, owing to peculiar local conditions, in some instances mothers' meetings and visits to the homes are not possible, the afternoons of the kindergartner may be utilized for other special purposes. For instance, it would be helpful to have her practice advanced kindergarten methods in the grades. This experiment has been tried with excellent results, and, moreover, suggests itself as a valuable means of making closer connection between kindergarten and primary work for the children.

The following special information may be obtained from the Kindergarten Division of the Bureau of Education, Washington, D. C.:

6. Legal provisions to date regarding kindergartens in your State.

7. Number of children in State of kindergarten age.

8. Number of kindergartens in the State.

9. Number of children in kindergartens in the State.

10. Number of kindergarten teachers employed in the State.

11. Facilities for training kindergarten teachers and approximate number of teachers graduated each year.

Information on the following points will usually be obtainable from the State superintendent of public instruction:

12. Cost of establishing and maintaining kindergartens already in the State.

13. Provisions for accepting teachers trained outside the State.

BULLETINS AND CIRCULARS FOR USE IN LEGISLATIVE WORK.

The following bulletins and circulars, which may prove helpful in acquainting legislators and others with the purpose and value of

the kindergarten, can be obtained, with the exceptions noted, from the Bureau of Education or from the National Kindergarten Association, 250 Madison Avenue, New York City:

- Kindergartens in the United States.** Statistics and Present Problems. Bulletin, United States Bureau of Education, 1914, No. 6. 133 pages, illustrated. (For sale by the Superintendent of Documents, Government Printing Office, Washington, D. C. Price 20 cents.)
- Kindergarten Training Schools.** Bulletin, United States Bureau of Education, 1916, No. 5, 62 pages.
- Every Little Boy and Every Little Girl.** Illustrated two-page leaflet on value of intellectual and manual training given in kindergarten.
- Your Children and Your Children's Friends.** Illustrated two-page leaflet on social importance of kindergarten.
- Why Should the Kindergarten Be a Part of the Public-School System?** Four-page circular.
- How the Kindergarten Helps the Grade Teacher.** Four-page circular.
- How to Start a Kindergarten.** Four-page circular.
- Comparative Table for 1914, Showing Number of Kindergartens in Each State.** Two-page circular.
- How the Kindergarten Provides Education.**¹ Eight-page leaflet emphasizing the educative value of the instruments and methods of the kindergarten.
- The Worth of the Kindergarten for Every Child.**¹ Four-page leaflet on the reasons why the kindergarten is of universal value.
- Answers to Objections to the Kindergarten.**¹ Seven-page pamphlet dealing with objections most commonly offered to the kindergarten.
- The Kindergarten Movement in the United States.**¹ A brief outline of the significant facts of kindergarten history in America.

SPEAKERS, MOTION PICTURES, LANTERN SLIDES, EXHIBITS.

To help secure the support of the general public in legislative work for the kindergarten, the Kindergarten Division of the Bureau of Education and the National Kindergarten Association cooperate in securing speakers who are competent to set forth the various phases of the kindergarten subject. They also lend motion pictures, lantern slides, and exhibits which show kindergarten activities and give general information of value in extension work.

¹ To be obtained from the Bureau of Education or from the officers of the International Kindergarten Union, Washington, D. C.

APPENDIX A.

TABLE 1.—*Constitutional and statutory provisions for the establishment, maintenance, and control of kindergartens.*¹

States—Legal references.	Dates of original provisions.	Establishment of kindergartens.		Body having administrative control.	Financial maintenance.	Kindergarten age.	Qualifications required of kindergarten teachers.	Kindergartens maintained in 1915.	
		Mandatory.	Permissive.					Public.	Other than public.
ARIZONA. Consl. Art. XI, sec. 1, Rev. Stat., 1913, Civil Code, p. 453, Ch. XXIII, secs. 2847-2851.	1901	.....	In all school districts.	Board of trustees of school districts.	Additional school-district tax levied by county boards of supervisors.	.....	Must have graduated from approved kindergarten-training school and be licensed by State board of examiners, or pass examination of State board of education.	29	4
CALIFORNIA. ² Pol. Code, 1909, secs. 1543, 1662; Stat., 1901, 1913, ch. 611, p. 1138, Ninth; Stat., 1915, p. 767, ch. 463; ch. 470, secs. 1 (3) 2, p. 773, 3 (e), p. 776.	1891 1901 1913	In cities, counties and school districts, on petition of parents or guardians of 25 or more children of kindergarten age living within 1 mile of elementary school.	.....	Board of education in cities, and cities and counties, or board of school trustees in school districts.	"Kindergarten fund" collected as additional local tax by county boards of supervisors; not to exceed 10 cents on \$100 in any one year.	4 to 6.....	Must have kindergarten - primary certificate granted by city or county and county boards of examiners under their own rules; or kindergarten-primary certificate of county boards of education issued upon examination or upon presentation of diploma from kindergarten department of State normal school in State, or of credentials showing that applicant has had general education equivalent to requirement for graduation from kindergarten department of a California State normal school and professional kindergarten training in an institution approved by the State board of education; or temporary kindergarten-primary certificate, granted by county boards of education to holder of kindergarten-primary certificate of any other county; to graduate of college, normal school, or university who holds valid certificate issued out-	316	52

COLORADO.	1893	In all school districts.	School board of school district.	Special school funds of districts.	3 to 6.....	100	side State of a grade equivalent to that of county kindergarten-primary certificate, or to graduate of Ireland Stanford Junior University.	13
	1886	In towns and school districts.			Over 4.....	212	Must have diploma from reputable kindergarten teacher's institute, or must have passed examination of State normal school on kindergarten work.	41
	1898	In all districts.			4 or over.....			11
FLORIDA.	1905	In communities guaranteeing attendance of 25 kindergarten pupils.	County boards of public instruction or board of trustees of special-tax school districts.			10	Must have certificate from reputable kindergarten training school.	13
	1901	In all school districts.	School board of school district.	Special school funds of school districts.	3 to 6.....	1	Must have diploma from reputable kindergarten training school or be licensed in accordance with rules of State superintendent of public instruction.	
IDAHO.								
ILLINOIS.	1895	In school districts.	Board of school directors or board of education of school districts.	School funds of school districts.	4 to 6.....	325	Must have county "kindergarten-primary" certificate granted by county superintendents only to persons who have graduated from recognized high and kindergarten training schools, or completed equivalent course, or who have passed examination of examining board.	121
	1913							

¹ Only those provisions which relate specifically to kindergartens have been tabulated. General provisions of the school laws which would be applicable have not been included.

² By section 1603(1) of the Political Code of California, holders of kindergarten-primary or special kindergarten certificates are entitled to teach in the first grade. Boards of trustees of normal schools in California may, in their discretion, according to section 1489 of the Code, maintain model and training schools of the kindergarten grade.

TABLE 1.—*Constitutional and statutory provisions for the establishment, maintenance, and control of kindergartens* Continued.

States—Legal references.	Dates of original provisions.	Establishment of kindergartens.		Body having administrative control.	Financial maintenance.	Kindergarten age.	Qualifications required of kindergarten teachers.	Kindergartens maintained in 1915.	
		Mandatory.	Permissive.					Public.	Other than public.
INDIANA. Burns's Anno. Stat., Rev. of 1914, Vol. III, secs. 6483-5, 6388a.	1889 1901 1911	.....	In incorporated cities and towns in connection with common schools; in cities of over 6,000 population in connection with incorporated kindergartens; in cities of over 100,000 in connection with associations, provided they maintain 12 free classes.	Board of trustees of incorporated towns and cities; board of school commissioners or school trustees of cities of over 6,000 population.	Local school funds of towns or cities. Special kindergarten fund collected as additional school tax at rate of 2 cents on \$100 in cities of over 6,000.	.....	Must have license granted by county superintendent of schools after successfully passing examination in kindergarten and meeting qualifications required by law or by state board of education.	184	86
IOWA. Anno. Code 1897, p. 942, sec. 2777.	1896	.....	In independent school districts.	Boards of directors of school district corporations.	Regular school funds.	.....	Must have certificate granted by county superintendent of education after taking examination in kindergarten principles and methods.	328	32
KANSAS. Dessler's Gen. Stat. 1903, p. 1067, sec. 7442 (66); L. a. w. s. 1915, p. 380, sec. 6.	1907 1915	.....	In all school districts.	School board of school district.	School funds of districts.	4 to 6.....	Must have special certificate issued by State board of education upon examination or other satisfactory evidence of qualifications.	51	18
KENTUCKY. ¹ Thum's Anno. Supp. of 1915 to Stat. 1897, secs. 2978b1, 2978b30, 3212b, 3212gg.	1910 1912	.....	In cities of first and second class.	Board of education in cities of first and second class.	.....	4 to 6.....	.....	57	19

LOUISIANA.	1898	Throughout State.	School committee of cities and towns.		4 to 6.		59	10
Consti. art. 248.								
MASSACHUSETTS.	1898	In cities and towns					363	69
Supp. to Rev. Laws 1902-8, p. 428, ch. 42.								
MICHIGAN.	1891 1901	In school districts and in cities and towns.	District board of school districts, or school trustees; board of education, etc., of cities and villages.	Teachers' salaries paid out of regular school funds.	4 to 7.	Must have kindergarten certificate granted to person who (1) holds teacher's certificate or is graduate of reputable college of State or high school having four years' course, and (2) is graduate of kindergarten training school approved by State superintendent of public instruction.	684	37
Sec. Ed. Howell's Anno. Stat. 1913, Vol. IV, p. 4016, secs. 10068-71.								
MINNESOTA.	1901 1913	In independent districts.	School boards of independent districts.		4 to 6.	Must have special certificate issued by the State superintendent of education after examination from approved college or State normal school or after completing such course of study as he may require.	251	29
Gen. Stat. 1913, sec. 2752 (2), p. 622, sec. 2892, p. 640.								
MISSOURI.	1913	In school districts where sufficient funds are available after education of children between 6 and 20 has been provided for.	Board of directors or board of education of school districts.	Surplus of special school funds.	5 to 6.		273	48
Consti. Art. XI, sec. 1; Laws 1913, p. 717.								
MONTANA.	1899 1913	In school districts.	Board of trustees of school districts.	School funds of districts.	3 to 6.	Must have passed examination of State normal school on kindergarten work, or have certificate of kindergarten teacher's institute recognized by State normal school, or possess special certificate issued by State superintendent of public instruction upon request of local school officers and upon evidence of proficiency to teach as shown by credentials.	6	5
Laws 1913, p. 237, ch. VI, secs. 600, 602; ch. IX, p. 250 (e).								

¹ Boards of education in cities of the first and second class in Kentucky are empowered to establish classes for training kindergarten teachers.

TABLE 1.—*Constitutional and statutory provisions for the establishment, maintenance, and control of kindergartens.—Continued.*

States: Legal references.	Dates of original provisions.	Establishment of kindergartens.		Body having administrative control.	Financial maintenance.	Kindergarten age.	Qualifications required of kindergarten teachers.	Kindergartens maintained in 1915.	
		Mandatory.	Permissive.					Public.	Other than public.
NEVADA. Laws 1911, p. 36, ch. 42; Rev. Laws 1911, sec. 3271; Stat. 1915, p. 126, ch. 110.	1907 1911 1915	In Sparks School Dist. No. 29.	In school districts upon petition of parents or guardians of 25 or more children between 4 and 6.	Board of school trustees of school districts.	For kindergarten in Sparks School No. 29. Special tax on school funds of school districts or, if necessary, special district tax not to exceed 25 cents on \$100, levied by county board of commissioners.	4 to 6....	Must have special certificate granted by State board of education after determining fitness of applicant by whatever method it deems appropriate.	5	2
NEW JERSEY. Comp. Stat. 1911, Vol. IV, p. 4773, Art. XII.	1899	.....	In school districts.	Board of education of school districts.	Regular school funds.	4 to 7.....	Must have special kindergarten certificate issued by State board of examiners, or board of examiners of county or city in which kindergarten desires to teach.	615	51
NEW YORK. Cons. Laws Supp. 1913, Vol. I, p. 614, sec. 311.	1894	.....	In all school districts and cities.	Board of education in all school districts and cities.	.....	4 to 6.....	.....	1,764	338
NORTH DAKOTA. Laws 1915, p. 168, ch. 125.	1909	On petition of majority of legal voters in school districts; one-fifth of legal voters in cities of over 5,000 population.	.....	School board of school districts.	School funds of districts raised by direct taxation for the purpose.	4 to 6.....	Must have completed kindergarten course at State normal school, or passed examination of State examining board.	5	0

Page and Adams' Anno. Gen. Code	In connection with public-school system.	Boards of education.	Regular school funds.			
OHIO. Page and Adams' Anno. Gen. Code 1909 885, sec. 7722.	1303 1909				469	74
OKLAHOMA. ¹ Session Laws, 1913, p. 560, art. 12.	1903	School officers of towns, cities or school districts having population of 2,500 or more.		4 to 6.....	50	17
OREGON. Laws 1913, ch. 172, p. 305, sec. 25; ch. 170, p. 297, sec. 1.	1901 1911	District school board of school districts of first and second class.		Over 4.....	1	6
PENNSYLVANIA. Laws 1911, Art. IV, p. 329, Art. V, p. 331, sec. 501; Art. XII, p. 373, sec. 1203; Art. XIII, p. 379, sec. 1319; Art. XIX, p. 402, secs. 1904, 1906.	1897 1911	Board of school directors of school districts.	School funds derived from State appropriation, or local taxation, if necessary.	Less than 6.	442	120
SOUTH CAROLINA. Acts 1913, p. 195, No. 133.	1913	County boards of education.	School funds.....	4 or over...	2	26
UTAH. ³ Constl. Art. X, sec. 2; Compiled Laws 1907, p. 713, ch. 20, secs. 1966, 1968 ^x .	1894 1897 1903	School board of school districts.	School funds of school districts.	4 to 6.....	45	5

¹ The Oklahoma law defines kindergarten as "the application of the methods of Froebel or some approved American development of said method, and not merely subprimary grades for children."

² The counties excepted are Sumter, York, Greenwood, Ramberg, Abbeville, Saluda, Lee, Aiken, Jasper, Chesterfield, and Williamsburg.

³ Section 1966x of the Compiled Laws of Utah, 1907, which was enacted in 1903 (ch. 114) made the establishment of kindergartens obligatory in districts having a population of 2,000 and over before 1907. Very few districts complied with this requirement.

TABLE 1.—*Constitutional and statutory provisions for the establishment, maintenance, and control of kindergartens—Continued.*

States—Legal references.	Dates of original provisions.	Establishment of kindergartens.		Body having administrative control.	Financial maintenance.	Kindergarten age.	Qualifications required of kindergarten teachers.	Kindergartens maintained in 1915.	
		Mandatory.	Permissive.					Public.	Other than public.
VERMONT. Pub. Stat. 1906, p. 275, sec. 1009; Laws 1908, No. 37, sec. 1900, p. 38.	1886 1892 1900	.....	In connection with public-school system throughout State.	Board of school directors.	.....	Under 5.....	Must have certificate issued by commissioner of education after graduation from recognized kindergarten training school; certificate valid for five years.	15	3
WASHINGTON. Rem. and Bal. Anno. Codes and Stat. 1910, Vol. II, secs. 4653, 4731, Vol. III, Supp. 1913, secs. 4738, 4740.	1897	.....	In school districts of first and second class.	Board of directors of school districts of first and second class.	General funds of school districts.	4 to 6.....	Must have diploma or certificate from accredited kindergarten training school, from kindergarten department of a Washington State normal school or of a normal school whose kindergarten department is accredited by the State board of education; or special certificate issued by county or city superintendent of education after having shown fitness by examination or otherwise.	27	21
WEST VIRGINIA. Hogg's Anno. Code 1913, Vol. I, sec. 2073.	1899 1908	.....	In districts in which there is a city, town or village of 1,000 population or more.	Board of education of cities, district having city, town or village of 1,000 population or more.	.....	4 to 6.....	Must have diploma from kindergarten college, or have regular teachers certificate and have passed examination in kindergarten methods and theories given by boards of education.	3	6
WISCONSIN. Stat. 1913, secs. 4300, 4304, 447, 4580; Laws 1913, p. 580, ch. 514.	1899 1901 1905	.....	In connection with primary grades throughout State—in cities of third and fourth class, sub-	Board of education of cities, district boards and town boards of school directors.	Special funds, in cities of third and fourth class appropriated on approval of city council; special	4 to 6.....	Must have certificate issued by State superintendent of education upon presentation of diploma from normal school which has kindergarten course established by board of regents of normal schools; or special	600	31

WYOMING. Comp. Anno. Stat. 1910, p. 549, ch. 137.	In school districts.	Board of trustees of school dis- tricts.	Special district tax amount de- termined by qualified elec- tors, and not to exceed rate of 1 mill on the dol- lar.	4 to 6.	license issued by State board of examiners upon presentation of diploma from kindergarten train- ing school of equivalent standing, and after taking examination; or certificate issued after examina- tion by county or city superin- tendents of education (except su- perintendents of cities of first class).	10
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TABLE 2.—*States having no special constitutional or statutory provision for the establishment of kindergartens—Number of public kindergartens maintained under the general provisions of the State school laws, and number of other than public kindergartens, 1915.*

States.	Minimum school age—Legal reference.	Kindergartens.	
		Public.	Other than public.
Alabama.....	7—Consti., sec. 256.....	34	24
Arkansas.....	6—Kirby's Digest of Stat. 1904, p. 1537, sec. 7484.....	5	9
District of Columbia.....		77	6
Georgia.....	6—Code 1911, Vol. I, sec. 1509.....	19	49
Maine.....	5—Laws 1911, ch. 22, p. 14.....	38	8
Maryland.....	6—Anno. Code Supp. 1912-1914, Vol. III, p. 812, sec. 43.....	24	28
Mississippi.....	5—Consti., art. 8, sec. 201.....	15	8
Nebraska ¹	5—Consti., Art. VIII, sec. 6.....	157	16
New Hampshire.....	5—Pub. Stat. and Ses. Laws, Supp., 1901-1913, p. 173.....	32	8
New Mexico ²	5—Anno. Cod. Stat. 1915.....	12	5
North Carolina ³	6—Consti., Art. IX, sec. 2.....	7	22
Rhode Island.....	5—Gen. Laws, 1909, p. 272, sec. 15.....	98	9
South Dakota ⁴	6—Comp. Laws, 1913, Vol. I, p. 581, sec. 99.....	10	7
Tennessee.....	6—Anno. Code, 1896, ch. 3, p. 420, Art. XI, sec. 1450.....	5	18
Texas ⁵	6—Vernon's Sayles Anno. Stat. 1914, vol. 2, p. 2040, Art. 2900.....	27	47
Virginia.....	7—Pollard's Supp. to Anno. Code, Vol. III, p. 229, sec. 1492.....	21	30

¹ One of the purposes of the Mississippi Industrial Institute and College, as required by law, is to train kindergarten teachers. Code 1906, ch. 66, sec. 2524.

² Kindergarten teachers in the State of Nebraska must have a city kindergarten certificate granted under rules prescribed by the State superintendent of public instruction. Comp. Anno. Stat., 1911, p. 1785, sec. 5518e.

³ The New Mexico Normal University is required by law to have a kindergarten training school for teachers. Anno. Stat., 1915, sec. 4982.

⁴ A kindergarten bill was introduced in the North Carolina Legislature of 1915 providing that kindergartens might be established in any school district upon vote of the qualified voters of the district and should be supported by special tax. This bill was signed by the governor and printed in the laws of the State for the year mentioned, but it is inoperative because, through an oversight, it was not passed by roll-call vote in the house on separate days, as required of bills carrying tax features.

⁵ In South Dakota a primary teacher's certificate, issued upon examination in kindergarten methods among other subjects, entitles the holder to teach in the kindergarten and first and second grades in cities and towns. Comp. Laws, 1913, Vol. I, p. 573, sec. 58.

⁶ A law was passed in Texas in 1907 permitting kindergartens to be established and stating requirements for kindergarten teachers, but this was repealed in 1911. Article 2902 of Vernon's Sayles' Statutes of 1914 permits school trustees to admit to the public schools persons over and under the scholastic age "on such terms as they may deem proper and just." This provision would seem to permit the establishment of kindergartens. Article 2811 of the Statutes, which is an amended form of the section of the repealed law of 1907 relating to kindergarten teachers, provides for the issuance of a State kindergarten certificate by the State department of education upon presentation by the applicant of a diploma from an educational institution in Texas giving a two-year kindergarten course of practical and theoretical training in addition to the regular course, or a diploma from a kindergarten training school or department approved by the State superintendent of public instruction.

APPENDIX B.

THE CALIFORNIA KINDERGARTEN LAW

Relating to the Establishment of Kindergartens.

Enacted 1913, amended 1915.

The board of education of every city, city and county, or the board of school trustees of every school district in this State shall, upon petition of the parents or guardians of 25 or more children between the ages of $4\frac{1}{2}$ and 6 years, residing within 1 mile of any elementary school building situate in such city, city and county, or school district, establish and maintain a kindergarten or kindergartens: *Provided*, That such kindergarten or kindergartens when first established shall be established only between the first day of June and the first day of August in any year: *And provided further*, That after the first year in which any kindergarten or kindergartens shall have been established and maintained, that the number of kindergartens which shall be maintained in any city, or city and county, or school district, during any particular school year, shall be determined by the governing body of the schools of such city, city and county, or school district.

The board of education of every city, city and county, or the board of school trustees of every school district in which a kindergarten is established under the provisions of this act, shall, at least 15 days before the first day of the month in which the board of supervisors is required by law to levy the taxes required for county purposes, submit to the county superintendent of schools an estimate of the amount of money which will be required for the maintenance of any kindergarten or kindergartens in their several school districts for the ensuing school year.

The county superintendent of schools shall thereupon examine said estimate and submit copies of the same, with his approval or disapproval endorsed thereon, to the board of supervisors and to the county auditor at the time he submits to them his estimate for the county school tax for the current year. If the county superintendent of schools approves such estimate, the board of supervisors shall, at the time and in the manner of levying other taxes, levy and cause to be collected in the several school districts for which estimates have been submitted and approved as herein provided, the amount so estimated and approved. The fund so levied shall be known as the kindergarten fund of ----- school district (as the case may be), and shall be available for the maintenance of the kindergarten or kindergartens established under the provisions of this section, and the moneys drawn from such fund shall be paid out in the same manner as the moneys from State and county school funds for the maintenance of the elementary schools are drawn and paid out. If the average daily attendance in any kindergarten in any city, city and county, or school district, shall be 10 or less for the school year, the governing body of such city, city and county, or school district, shall, at the close of such

school year, discontinue such kindergarten. In case a city, city and county, or school district, maintains but one kindergarten, should such kindergarten be discontinued as provided by this section, the funds of such kindergarten shall immediately revert to the elementary schools of the city, city and county, or school district, in which said kindergarten has been located; and in case any city, city and county, or school district maintains two or more kindergartens, the property and funds of a kindergarten which has been discontinued shall revert to the kindergarten or kindergartens which are still in operation in said city, city and county, or school district. The rate of taxation which may be levied for the support of kindergartens in any one year shall not exceed 10 cents on the \$100 of the taxable property of such city, city and county, or school district; and such tax for the support of the kindergarten or kindergartens shall be in addition to any other taxes which may be levied for the support of the public schools.—*Political Code, sec. 1617c.*¹

¹ This section does not cover all provisions of the California law relating to kindergartens. The kindergarten age and the qualifications and licensure of kindergarten teachers are provided for under a number of different headings. An abstract of the provisions relating to these phases of the question will be found in the table on p. 20. The laws of many States group all matters pertaining to the kindergarten in one section, and this, if possible, is a more desirable and effective arrangement.



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